



PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Zvia AGUR, et al., et al.

Appln. No. 09/691,053

Confirmation No.: 5359

Filed: October 19, 2000

Docket No: Q60688

Group Art Unit: 1631

Examiner: Marjorie A. MORAN

RECEIVED

SEP 11 2002

TECH CENTER 1600/2900

ALS

Plunk

9/12/02

For: SYSTEM AND METHOD FOR OPTIMIZED DRUG DELIVERY AND PROGRESSION
OF DISEASED AND NORMAL CELLS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement, dated August 28, 2002, Applicant provisionally elects Group VII, claims 234-247 and 466-479 for examination. This election is made with traverse.

MPEP § 803 provides that if the search and examination of an application can be made without serious burden, the examiner must examine it on the merits.

In the present restriction requirement, the Examiner has grouped the claims into eight groups. To comply with the patent office rules, the Applicants have provisionally elected Group 7 (234-247 and 466-479). However, the Applicants respectfully submit that claims in Group 8 (248-273 and 480-505) should also be rightfully classified into Group 7 at least for two reasons:

1. The claims in both Group 7 and 8 have already been Examined on the merits twice before (Office Actions mailed on May 08, 2001 and October 25, 2001) resulting in the claims being objected to and/or rejected under various statutory categories including sections 112, 102 and 103. The Applicants provided detailed responses with suitable claim amendments on each of these occasions, incurring substantial costs. Treating these groups separately will incur substantially more costs and unnecessary delay.

2. The claims in groups 7 and 8 are interrelated to the extent that either group of claims cannot be comprehensively examined without searching for the claims in the other group.

Further, for at least the same two reasons the Applicants respectfully submit that claims in Group 2 (claims 50-65 and 316-331) should be included in Group 1 (claims 1-49, 274-315 and 506-509).

Still further for at least the second reason discussed above, claims in Group 4 (claims 118-167 and 350-399) should be included in Group 3 (claims 66-117 and 332-349) and claims in Group 6 (202-233 and 434-465) should be included in group 5 (168-201 and 400-433).

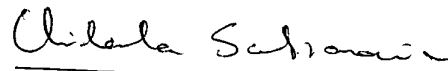
Applicant reserves the right to file Divisional Applications directed to non-elected claims 1-233, 248-273 and 494-505.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Serial No. 09/691,053

Docket No. Q60688

Respectfully submitted,



Chidambaram Subramanian
Registration No. 43,355

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: September 9, 2002